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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/805,733      | 03/13/2001  | Andreas Plettner     | 750046-401          | 3848             |

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EXAMINER

PHAN, THO GIA

ART UNIT PAPER NUMBER

2821

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,733

Applicant(s)

PLETTNER, ANDREAS

Examiner

Tho G. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/2/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 22-29 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b). Election was made with traverse filed on 10/29/04. Accordingly, the nonelected claims 22-29 should be cancelled in the next response.

### ***Drawings***

2. Figures 2, 2a and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. Claims 12-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 12, the language, "the chip plane" lacks a proper antecedent basis.

In claim 12, line 19, it is unclear how to interpret "..adapted for acting..".

In claim 13, line 25, the language, "the wafer" lacks a proper antecedent basis.

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It is unclear what is a dipole antenna (see claim 14), and how it relates to a dipole antenna of claim 12, line 19.

In claim 15, line 3, it is unclear how to interpret ".. are adapted ..".

It is unclear what is a dipole antenna (see claim 15), and how it relates to a dipole antenna of claim 12, line 19.

In claim 16, line 3, the language, "the wafer" lacks a proper antecedent basis.

In claim 17, line 3, the language, "the wafer" lacks a proper antecedent basis.

It is unclear what is a dipole antenna (see claim 18), and how it relates to a dipole antenna of claim 12, line 19.

In claim 19, line 3, the language, "the wafer" lacks a proper antecedent basis.

In claim 20, line 7, the language, "the chip plane" lacks a proper antecedent basis.

In claim 20, line 12, it is unclear how to interpret "..adapted for acting..".

In claim 21, line 3, the language, "the wafer" lacks a proper antecedent basis.

### ***Claim Objections***

Claim 15 is objected to because of the following informalities:

In claim 15, line 2, "2,45 GHz" should change to --"2.45 GHz"--.

In claim 15, line 3, "24,125 GHz" should change to --"24.125 GHz"--.

Appropriate correction is required.

### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowable over the art of record because the prior art does not teach the coupling element is formed in a self-supported as well as free-standing way and is essentially extended

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parallel to a chip plane, the total mounting height of the transponder corresponds essentially to the mounting height of the chip, and the coupling element geometry and size adapted for acting as a dipole or in conjunction with an evaluation unit as a plate capacitor, in combination with the remaining claimed limitations.

4. Claims 12-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Tuttle et al, Brady et al ('885), Proctor et al and Brady et al ('408) are cited as of interested and illustrated a similar structure to RFID transponders antennas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho G. Phan whose telephone number is 571-272-1826. The examiner can normally be reached on (M-R), Monday-Thursday (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Tho G. Phan  
Primary Examiner  
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